

REMARKS

Claims 1-55 are pending.

Claims 1-55 stand rejected.

Claims 14, 27, and 36 have been amended.

Claim Rejections - 35 U.S.C. § 101

Claims 14-15 and 27-34 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 has been amended to recite, “A method for managing goals using a computer system.”

Claim 27 has been amended to recite, “A method for keeping relationships between goals in a computerized goal management system consistent with relationships between teams.”

Claim 30 recites, “A method for using a computer system for restricting links between goals based on team membership.”

The Examiner states that the “basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.”

Office Action, p.2, § 2.

The Examiner further states that, “For a claimed invention to be statutory, the claimed invention must be within the technological arts.”

Since the date of the Office Action, the Board of Patent Appeals and Interferences (“Board”) issued a precedential opinion *Ex Parte Lungren*, Bd. Pat. App. & Int., No. 2003-2088, October 2005. The Board in *Ex Parte Lungren* held that, “there is currently no judicially recognized separate “technological arts” test to determine patent eligible subject matter under § 101.” *Id.* Accordingly, the basis for the Examiner’s §101 rejection has been ‘rejected’ by the Board.

Furthermore, Claims 14-15 and 27-34 are not mere abstract ideas. Each independent claim, and, thus, each dependent claim is a method that involves use of a computer. Applicants respectfully submit that a method that involves use of a computer is not merely an abstract idea and is, thus, proper subject matter under 35 U.S.C. § 101.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 1-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Meyer article entitled “eWorkbench Real-Time Tracking of Synchronized Goals,” (referred to herein as “*Meyer*”) in view of the “ManagePro” Reference Manual by Avantos (referred to herein as “*Avantos*”). Applicants respectfully traverse the rejection.

Since the Examiner initially presented Claim 14 for rejection, Applicants have paralleled the Office Action for convenience and begin remarks with Claim 14.

Claim 14.

Meyer and *Avantos* both relate to goal tracking software. Claim 14 relates to a “method for managing goals using a computer system.” *Claim 14*. The method includes “storing at least first and second goals” and “storing a relationship between the first goal and the second goal.” *Id.* Applicants respectfully submit that *Meyer* in view of *Avantos* **fail to teach or suggest “detecting modification of the first goal” and “in response to detecting modification of the first goal, facilitating goal alignment by causing the second goal to be automatically highlighted for alignment verification.”**

The Examiner cites para. 14 of *Meyer* as teaching “detecting modification of the first goal.” *Meyer* teaches that “eWorkbench’s early-warning capabilities keep both employee and boss apprised of looming due dates.” *Meyer*, para. 14. “The program also notifies both the manager and the employee when a deadline is missed.” *Id.* **Applicants respectfully disagree that “missing a deadline” of a goal teaches or suggests “detecting modification of the first goal” of Claim 14.** Applicants respectfully submit that ‘if a deadline is missed, that does not alter the deadline’, and, thus, does not alter a deadline goal. If the deadline is missed, the deadline goal is missed. The deadline goal is not modified, otherwise the deadline goal would

not have been missed. Thus, Applicants respectfully submit that *Meyer* in view of *Avantos* fails to teach or suggest “detecting modification of the first goal” as required by Claim 14.

Although the failure of *Meyer* in view of *Avantos* to teach or suggest any single element of Claim 14 demonstrates the lack of a *prima facie* case of obviousness, Applicants also respectfully submit that *Meyer* in view of *Avantos* fail to teach or suggest ““in response to detecting modification of the first goal, **facilitating goal alignment by causing the second goal to be automatically highlighted for alignment verification.**” First, since *Meyer* in view of *Avantos* fail to teach or suggest “detecting modification of the first goal”, they necessarily fail to teach or suggest “in response to detecting modification.” Second, Applicants respectfully submit that ‘providing the progress status of a goal’ as taught in *Avantos* does not teach or suggest “facilitating goal alignment” or cause a “goal to be automatically highlighted **for alignment verification.**”

Applicants respectfully submit that **goal progress status** does not teach or suggest “**alignment verification**”. “In general, a secondary goal is considered to be “aligned” or “in alignment” with a primary goal if the secondary goal assists in the realization of the primary goal.” *Present Application*, p. 8, lines 24-27. *Avantos* teaches providing goal progress status in the form of “not started”, “on track”, or “done” (Green), “behind” (Yellow), and “critical” (Red). *Avantos*, p. 2-31. Applicants submit the below example to illustrate a difference between goal alignment and goal progress status. For example, if a first goal is to make ‘Assembly A’ in 3-days and a second goal is to make “Subassembly A” for Assembly A in 2 days. If the first goal is modified to make ‘Assembly B’ in 2 days and Assembly B does not include a Subassembly A, knowledge that the second goal is “not started”, “on track”, “done”, “behind”, or “critical” gives no information to indicate that the second goal is misaligned, i.e. the second goal is not assisting in the realization of the modified goal of making Assembly B. Accordingly, goal progress status does not teach or suggest “alignment verification”, and, thus, *Meyer* in view of *Avantos* also fails in this regard to teach or suggest Claim 14.

Accordingly, Applicants respectfully request the withdrawal of the rejection of Claim 14.

Claim 16.

Applicants respectfully submit that the Claim 16 is allowable for at least the same reasons as Claim 14. Claim 16 recites in part:

detecting modification of the parent goal;
in response to detecting modification of the parent goal, **automatically recognizing the first goal as requiring alignment verification, based on the parent link; and**
in response to recognizing the first goal as requiring alignment verification, causing the first goal to be highlighted for alignment verification in a display associated with the owner of the first goal.

Accordingly, Applicants respectfully request the withdrawal of the rejection of Claim 16.

Claim 19.

Applicants respectfully submit that *Meyer* in view of *Avantos* fails to teach or suggest “detecting storage of a goal relating to the team by the reporting individual” and “**causing the goal to be automatically highlighted for approval in a display associated with the supervisor, based on the reporting link relating the reporting individual and the supervisor.**” Claim 19. The Examiner points to *Meyer*’s, para. 13, which touts some of the benefits of “eWorkbench’s goal-chaining methodology”. Specifically, *Meyer* states that, “The collaborative tools force a high degree of communication about goals.” *Meyer*, para. 13. “By linking goals, establishing priorities, setting milestones and sharing responsibility for tracking progress, the process of goal-setting can become a truly educational exercise, which produces a well conceived, agreed-upon plan of action.” *Id.* ***Meyer* teaches that these are essentially manual processes.** The educational exercise of *Meyer* fails to teach or suggest **how newly stored goals can be detected and automatically highlighted for approval and does not teach any method for “automatically soliciting feedback for changes to goals in a goal management system.”** Claim 19. More specifically, Applicants respectfully submit that the *Meyer* goal setting process fails to teach or suggest “detecting storage of a goal relating to the team by the reporting individual” and “**causing the goal to be automatically highlighted for approval in a display associated with the supervisor, based on the reporting link relating the reporting individual and the supervisor.**” Claim 19.

Accordingly, Applicants respectfully request the withdrawal of the rejection of Claim 19.

Claim 27.

Applicants respectfully submit that *Meyer* in view of *Avantos* fails to teach “allowing a child goal of the first goal to be linked with a second team only if the second team is a child team of the first team.” Claim 27. The Examiner cites *Avantos* pp. 2-2 and 2-10. *Avantos* teaches the

linking of goals in a different context than Claim 27. “Linking” in *Avantos* relates to linking **the same goal** used in multiple places. More specifically, *Avantos* teaches that:

Although you could simply copy the “Market Research” subgoal under both the “Reposition” and “Improve Forecasting” goals, you would then have to track both copies, changing due dates or other items in each one. ManagePro gives you a more efficient way to support multiple parent (higher level) goals with one subgoal. That process is called “linking”. *Avantos*, p. 2-10. .

Linking of goals taught by *Avantos* occurs for goals for the same individual or within the same team. Applicants could not locate any teaching in *Avantos* that teaches or suggests linking goals between two teams especially two hierarchical teams. *Avantos* teaches that, “The Goal Planner proves you with a quick means of linking individual or team goals to higher level business goals.” *Id.*, p. 2-10. **However**, Applicants respectfully submit that there is no teaching or suggestion of multiple, hierarchical teams and respectively linked goals, and, thus, no teaching or suggestion of “allowing a child goal of the first goal to be linked with a second team only if the second team is a child team of the first team.” Claim 27.

Even if the Examiner disagrees with the above analysis, Applicants additionally submit that *Meyer* in view of *Avantos* fail to teach or suggest the restrictive nature of Claim 27, i.e. “allowing a child goal of the first goal to be linked with a second team only if the second team is a child team of the first team.” *Id.* *Meyer* and *Avantos* teach no such restriction and, thus, do not teach or suggest the present invention of Claim 27.

Accordingly, Applicants respectfully request the withdrawal of the rejection of Claim 27.

Claim 30.

Applicants respectfully submit that *Meyer* in view of *Avantos* fails to teach or suggest, “allowing a team-related goal that is linked to the team goal to be stored only if the team related goal has a goal owner who is one of the one or more team members.” Claim 30. The Examiner states that *Avantos* pp. 3-34 – 3-35, “Network access for people and teams can be controlled to include ‘read only’ or ‘no access’ to teams’ own goals or all goals.” “Full access can be given to a person or team for the person’s or team’s own to do list.” *Id.* Claim 30 is ‘restrictive’ in nature but not in the same nature as ‘network access’ restriction. Network access restriction restricts who can access specific data. Network access restriction is based on who a user “**is not on a link between a goal, a team, and a goal owner**”. More specifically, the restrictive nature of

Claim 30 relates to “allowing a team-related goal that is linked to the team goal to be stored only if the team related goal has a goal owner who is one of the one or more team members” and is, thus, not taught or suggested by network access restrictions.

Accordingly, Applicants respectfully request the withdrawal of the rejection of Claim 30.

Claim 35.

Applicants respectfully submit that the Claim 35 is allowable for reasons similar to those associated with Claim 14 in that *Avantos*’ teachings and suggestions regarding **goal progress status** do not teach or suggest “**alignment verification**”. Claim 35 specifically recites:

modifying the first goal;
transmitting the modified first goal to the goal management system for storage; and
receiving instructions to highlight the second goal as requiring alignment verification.

Accordingly, Applicants respectfully request the withdrawal of the rejection of Claim 16.

Claim 1.

The Examiner states that Claims 1-13 and 36-55 recite the same relevant limitations as that of claims 14-35. Applicants respectfully submit that Claims 36-55 are allowable for at least the same reasons as the similar claim in claims 14-35. Claim 1 recites:

A guidance process of maintaining goals in a system with at least first and second goal types so as to promote goal alignment, the guidance process comprising:

providing a first rule for relationships between goals of the first goal type;
providing a second rule for relationships between goals of the first goal type and goals of the second goal type; and
determining content for a user interface, based on the first and second rules, **such that the content facilitates goal alignment**.

Applicants respectfully submit that *Meyer* in view of *Avantos* neither teach nor suggest Claim 1.

Dependent Claims.

Applicants respectfully submit that the dependent claims are allowable for at least the same reasons as the independent claims upon which each directly or indirectly depends.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, Alexandria, VA 22313-1450, on December 12, 2005.



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Date of Signature

Respectfully submitted,



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